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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,099	09/19/2006	Sven Prollius	59731US007	4063

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EXAMINER

SILBERMANN, JOANNE

ART UNIT	PAPER NUMBER
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3611

NOTIFICATION DATE	DELIVERY MODE
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07/01/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/599,099	Applicant(s) PROLLIUS ET AL.	
	Examiner Joanne Silberman	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/17/07, 11/7/07, 3/21/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 5, 6 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Mueller, DE 101 60 376 A1.

3. Mueller discloses a license plate assembly comprising retroreflective sheet 34 having prismatic elements 35, 36 thereon (Figure 2) with lateral faces intersecting the base at base edges (Figure 3) with flat transparent separation surfaces 37 therebetween which are bounded by the base edges of the prismatic elements. The license plate assembly includes indicia 33 (Figure 2) which is raised and of different opacity than the background so that it may be seen. The retroreflective sheet is arranged on light source 18 (Figure 1) with the retroreflective elements facing the light source. Light source 18 is electroluminescent.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 2 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mueller in view of Dreyer et al. US #6,282,026.

6. Mueller does not specifically teach how the retroreflective elements are formed, however it is well known in the art to utilize heat and pressure for this process, as shown by Dreyer et al. Dreyer et al. teach forming a surface of a sheet into facets under suitable pressure and temperature conditions (column 22 lines 48-50). It would have been obvious to a person having ordinary skill in the art to utilize the teaching of Dreyer et al. as a well known means of forming the facets of the sheet utilized by Mueller.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mueller in view of Benson, US #5,122,902.

8. Mueller does not specifically teach the separation surfaces as being curved, however this is well known in the art as shown by Benson. Benson teaches separation surfaces that may be flat or curved (see Abstract). It would have been obvious to utilize the teaching of Benson to provide curved separation surfaces in the assembly of Mueller since Benson teaches that either may be used.

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mueller in view of Tietze et al. DE 202 18 626 U1.

10. Mueller does not specifically describe the retroreflective sheet as being adhered to the support on a side opposite the prismatic elements however this is shown by Tietze et al. Tietze et al. teach adhesive 16 (Figure 2) holding retroreflective sheet 15 to a support. It would have been obvious to one of ordinary skill to utilize such adhesive in the assembly of Mueller so as to provide a securely fastened laminate.

11. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mueller in view of Tietze et al. as applied to claim 7 above, and further in view of Fitzke et al. DE 102 47 708 A.

12. Mueller and Tietze et al. do not teach embossing as a method of forming the indicia however this is well known in the art as shown by Fitzke et al. Fitzke et al. teach embossing as a method of forming a license plate [0022]. It would have been obvious to one of ordinary skill to utilize such a method to form the plate of Mueller since Fitzke et al. teach this method as being well known in the art of creating license plates.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joanne Silbermann whose telephone number is 571-272-6653. The examiner can normally be reached on M-F 5:30 - 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Joanne Silberman
Primary Examiner
Art Unit 3611

/Joanne Silberman/
Primary Examiner, Art Unit 3611
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